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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/883,710 06/27/97 WALKER

A RA997020

EXAMINER

TM02/1229

JOHN D FLYNN
972 B656
IBM CORPORATION
PO BOX 12195
RESEARCH TRIANGLE PARK NC 27709

UNIT

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

12/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/883,710

Applicant(s)

Walker

Examiner

Thong Vu

Group Art Unit

2152



☒ Responsive to communication(s) filed on Nov 14, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. This office action is in response to Appeal Brief filed 11/14/2000. The previous final rejection has been vacated. Claims 1-19 are pending. The rejections cited are as stated below.

2. The applicant arguments filed 11/14/2000 has been considered but is ineffective to overcome the Ellis reference.

A. The rejection claim 19 under 35 USC 112, second paragraph has been withdraw.

B. As per claim 1, applicant argues the prior art did not teach a timer operating in response to a clock. Examiner point out the prior art taught a counter keeps track the responses from the network device [Ellis col 5 line 38-40].

C. As per claim 2, applicant argues the prior art did not teach the step of increment an initial response time by a timer resolution value. Examiner point out the prior art taught the counter initial value [Ellis col 5 line 60] ... the counter response# is incremented [col 6 line 37].

D. As per claim 2, applicant argues the prior art did not teach the initial response time value is incremented up to a maximum response time value. Examiner point out the prior art taught the initial value [col 5 line 60] and ... adjust based on the response time [col 2 line 32].

E. As per claims 5 and 6, applicant argues the prior art did not teach the response time approximates an amount of time the communication system requires to transfer the first information frame between a first data processing system and a second data processing system ... and the response time value is dynamically modifiable in response to the first amount of time. Examiner point out the prior art taught the response time approximates an amount of time the communication system requires to transfer the first information frame between a first data processing system and a second data processing system [Ellis col 1 lines 59-col 2 line 65] and the response time value is dynamically modifiable in response to the first amount of time by a formula

[Ellis col 2 line 35].

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-19 are rejected under 35 U.S.C. § 102[e] as being unpatentable over Ellis

[5,719,882]

4. As per claim 1, Ellis discloses a communication system or communication network [col 1 line 7], comprising the step of transmitting the first information frame [col 1 lines 59]; selectively receiving a first response in response to transmission of the first information frame [col 2 line 5-35]; measuring a first amount of time between transmission of the first information frame and receipt of the first response [col 2 lines 36-65]; and selectively modifying a response time value in response to the first amount of time [col 5 line 5-35] wherein said step of measuring a first amount of time between transmission of the first information frame and receipt of the first response uses a timer operating in response to a clock, and wherein said response time value is a response time value of said timer as Ellis implicitly taught a counter is stored which keeps track of successful response from network device ... the maximum response time is set to some initial value [col 5 line 25-40, 56-62]

5. As per claims 2 and 8, Ellis discloses incrementing an initial response time value by a timer resolution value, to form the response time value [col 5 line 60].

6. As per claims 3 and 16, Ellis discloses incremented up to a maximum response time value

[col 6 lines 35].

7. As per claims 4 and 14, Ellis discloses the initial response time value is a default value or some initial value [col 5 line 60].

8. As per claim 5, Ellis discloses the response time approximates an amount of time the communication system requires to transfer the first information frame between a first data processing system and a second data processing system [col 1 lines 59-col 2 line 65].

9. As per claim 6, Ellis discloses the response time value is dynamically modifiable in response to the first amount of time [col 2 lines 30-35].

10. As per claims 7,17 contain the similar limitations set forth of method claim 1. Therefore and claims 7,17 are rejected for the same rationale set forth claim 1.

11. As per claim 9, Ellis discloses setting a transmit sequence value when the first frame of information is transmitted; initiating operation of a response timer when the first information frame is transmitted; comparing the transmit sequence value and a receive sequence value when the first response is received; and idling operation of the response timer when the transmit sequence value corresponds to the receive sequence value [Ellis col 2 lines 55-64].

12. As per claim 10, Ellis discloses restarting operation of the response timer when the transmit sequence value differs from the receive sequence value [Ellis col 2 lines 19-24].

13. As per claim 11, Ellis disclose transmitting a second information frame; selectively receiving a second response in response to transmission of the second information frame; measuring a second amount of time between transmission of the second information frame and receipt of the second response; and selectively initializing a query timer with a maximum response time value [Ellis Fig 41].

14. As per claims 12 and 13, Ellis disclose selectively modifying the response time value to correspond to a residual time value remaining in a response timer after the second amount of time has passed and the response time value is selectively modified to equal the residual time value plus a timer resolution value as the inherent features of the adjustable time based on the calculated formula [Ellis col 2 lines 5-65].

15. As per claim 15, Ellis discloses maximum amount of time the communication system requires to transfer the first frame of information between a first data processing system and a second data processing system [Ellis col 2 line 25].

16. As per claim 18, Ellis discloses the central processing unit dynamically modifies the response time value in response to the first amount of time [Ellis Fig 4, col 6 lines 10].

17. As per claim 19, Ellis discloses incrementing the response timer value by a preselected time period in response to the first amount of time [Ellis col 2 line 50-53]

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to :

(703) 308-9051, (for formal communications intended for entry)


Or:

(703) 305-7201 (for informal or draft communications, please label "PROPOSAL" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu

Dec 22, 2000


ROBERT B. HARRELL
PRIMARY EXAMINER